



February 11, 2005

SENATE BILL No. 69

DIGEST OF SB 69 (Updated February 8, 2005 3:01 pm - DI ta)

Citations Affected: IC 33-28.

Synopsis: Prospective jurors for jury pool. Requires jury commissioners to use only the lists approved by the supreme court to determine the names of prospective jurors to be included in the jury pool. Removes language that allowed the commissioners to pull names from various resources set out by statute.

Effective: July 1, 2005.

Lawson C

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.
February 10, 2005, amended; reassigned to Committee on Judiciary.

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SB 69—LS 6196/DI 13+



February 11, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 69

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-28-4-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The jury
3 commissioners shall immediately, from the ~~names of legal voters and~~
4 ~~citizens of the United States on the latest tax duplicate and the tax~~
5 ~~schedules of the county; lists approved by the supreme court,~~
6 examine for the purpose of determining the sex, age, and identity of
7 prospective jurors, and proceed to select and deposit, in a box furnished
8 by the clerk for that purpose, the names, written on separate slips of
9 paper of uniform shape, size, and color, of twice as many persons as
10 will be required by law for grand and petit jurors in the courts of the
11 county, for all the terms of the courts, to begin with the following
12 calendar year.

13 (b) Each selection shall be made as nearly as possible in proportion
14 to the population of each county commissioner's district. In making the
15 selections, the jury commissioners shall in all things observe their
16 oaths. The jury commissioners shall not select the name of any person
17 who is to them known to be interested in or has case pending that may

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be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of ~~voters~~ **the lists approved by the supreme court**, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

(1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.

(2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.

(3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body, the jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The commissioners shall observe their oath in all activities taken under this subsection.

(f) ~~The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county commissioner's district.~~ The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) ~~The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income~~

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1 tax returns; motor vehicle registrations; city directories; telephone
 2 directories; and driver's licenses. These supplemental lists may not be
 3 substituted for the voter registration list. The jury commissioners may
 4 not draw more names from supplemental sources than are drawn from
 5 the voter registration lists and tax schedules.

6 SECTION 2. IC 33-28-5-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. As used in this
 8 chapter, "master list" means:

- 9 (1) a serially printed list;
- 10 (2) a magnetic tape;
- 11 (3) an addressograph file;
- 12 (4) a punched card file;
- 13 (5) a computer record; or
- 14 (6) another form of record determined by the supervising judge to
 15 be consistent with this chapter;

16 that fosters the policy and protects the rights secured by this chapter,
 17 contains all current, up-to-date voter registration lists for each precinct
 18 in the county, and is supplemented by names derived from other
 19 sources identified under this chapter. **the current lists approved by**
 20 **the supreme court.**

21 SECTION 3. IC 33-28-5-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury
 23 commissioner shall compile and maintain a master list consisting of all
 24 the voter registration lists for the county, supplemented with names
 25 from other lists of persons resident in the county that the supreme court
 26 shall periodically designate as necessary to obtain the broadest
 27 cross-section of the county, having determined that use of supplemental
 28 lists is feasible. The supreme court may designate supplemental lists
 29 for use by the courts periodically in a manner that fosters the policy and
 30 protects the rights secured by this chapter. Supplemental sources may
 31 consist of lists of:

- 32 (1) utility customers;
- 33 (2) property taxpayers; and
- 34 (3) persons filing income tax returns; motor vehicle registrations;
 35 city directories; telephone directories; and driver's licenses.

36 Supplemental lists may not be substituted for the voter registration list.
 37 **the lists approved by the supreme court.** In drawing names from
 38 supplemental lists, **compiling the jury pool**, the jury commissioner
 39 shall avoid duplication of names.

40 (b) A person who has custody, possession, or control of any of the
 41 lists making up or used in compiling the master list, including those
 42 designated under subsection (a) by the supreme court as supplementary

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1 ~~sources of names, list~~ shall furnish the master list to the jury
 2 commissioner for inspection, reproduction, and copying at all
 3 reasonable times.

4 (c) When a copy of a list maintained by a public official is
 5 furnished, only the actual cost of the copy may be charged to the courts.

6 (d) The master list of names is open to the public for examination
 7 as a public record. However, the source of names and any information
 8 other than the names contained in the source is confidential.

9 SECTION 4. IC 33-28-6-6 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this
 11 chapter, "master list" means ~~all current, up-to-date voter registration~~
 12 ~~lists for each precinct in the county supplemented with names from~~
 13 ~~other sources prescribed pursuant to this chapter, the current lists~~
 14 **approved by the supreme court** in order to foster the policy and
 15 protect the rights secured by this chapter. The master list may be in the
 16 form of a serially printed list, a magnetic tape, an addressograph file,
 17 punched cards, or such other form considered by the chief judge to be
 18 consistent with this chapter.

19 SECTION 5. IC 33-28-6-13 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury
 21 commissioner shall compile and maintain a master list consisting of ~~all~~
 22 ~~the voter registration lists for the county, supplemented with names~~
 23 ~~from other lists of persons resident in the county that the supreme court~~
 24 ~~shall periodically designate as necessary to obtain the broadest~~
 25 ~~cross-section of the county, having determined that use of the~~
 26 ~~supplemental lists is feasible. The supreme court shall exercise the~~
 27 ~~authority to designate supplemental lists periodically in order to foster~~
 28 ~~the policy and protect the rights secured by this article. The~~
 29 ~~supplemental sources may include lists of utility customers, property~~
 30 ~~taxpayers, and persons filing income tax returns, motor vehicle~~
 31 ~~registrations, city directories, telephone directories, and driver's~~
 32 ~~licenses. Supplemental lists may not be substituted for the voter~~
 33 ~~registration list: the lists approved by the supreme court. In drawing~~
 34 ~~names from supplemental lists, compiling the jury pool, the jury~~
 35 ~~commissioner shall avoid duplication of names.~~

36 (b) Whoever has custody, possession, or control of any of the lists
 37 making up or used in compiling the master list, ~~including those~~
 38 ~~designated under subsection (a) by the supreme court as supplementary~~
 39 ~~sources of names, list~~ shall furnish the list to the jury commissioner for
 40 inspection, reproduction, and copying at all reasonable times.

41 (c) When a copy of a list maintained by a public official is
 42 furnished, only the actual cost of the copy may be charged to the court.

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1 (d) The master list of names shall be open to the public for
2 examination as a public record, except that the source of names and
3 any information other than the names contained in that source may not
4 be public information.

5 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE
6 JULY 1, 2005]: IC 33-28-5-8; IC 33-28-6-8.

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 69 and that Senator Lawson C be substituted therefor.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 69 as introduced.)

GARTON, Chairperson

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